

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JUL 24 2008

MOLLY C. DWYER, CLERK OF COURT
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

V.

FRANCISCO ESPARZA-GUTIERREZ,

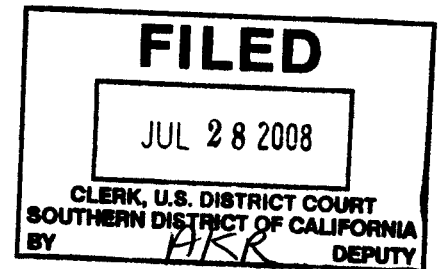
Defendant - Appellant.

No. 08-50157

D.C. No. 3:08-cr-00416-LAB-1

Southern District of California,
San Diego

MANDATE



The judgment of this Court, entered 7/24/08, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule
41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

Molly C. Dwyer
Clerk of Court

By: Gabriela Van Allen
Deputy Clerk

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

FRANCISCO ESPARZA-GUTIERREZ,

Defendant - Appellant.

No. 08-50157

D.C. No. 3:08-cr-00416-LAB-1

MEMORANDUM *

Appeal from the United States District Court
for the Southern District of California
Larry A. Burns, District Judge, Presiding

Submitted July 14, 2008 **

Before: SCHROEDER, LEAVY and IKUTA, Circuit Judges.

Appellee's unopposed motion for summary reversal and remand is granted.

See United States v. Forbes, 172 F.3d 675, 675 (9th Cir. 1999).

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Appellant's request for immediate issuance of the mandate is granted. The mandate shall issue forthwith.

REVERSED and REMANDED.